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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/418,562	10/15/1999	JACOBUS C. HAARTSEN	040070-549	9055
21839	7590	12/30/2002	EXAMINER ODOM, CURTIS B	
BURNS DOANE SWECKER & MATHIS L L P POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			ART UNIT 2634	PAPER NUMBER
DATE MAILED: 12/30/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/418,562	HAARTSEN, JACOBUS C.
	Examiner Curtis B. Odom	Art Unit 2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 15 October 1999.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 and 16-22 is/are rejected.
- 7) Claim(s) 8-15 and 23-30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 October 1999 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |                                                                                                           |                                                                              |
|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION**

*Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The disclosure is objected to because of the following informalities: On page 1, line 21 and page 10, line 10, the word "unlicenced" is suggested to be changed to "unlicensed". Appropriate correction is required.

*Claim Objections*

3. Claim 1 is objected to because of the following informalities: The phrase "if the selected hop channel is a forbidden hop channel, then: using a time..." is suggested to be changed to "if the selected hop channel is a forbidden hop channel, then using a time..." Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 and 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillis et al. (U.S. Patent No. 5, 323, 447).

Regarding claim 1, Gillis discloses a method of selecting a hop channel for use in a channel hopping communication system that includes a sequence of hop channels, wherein the sequence comprises a set of forbidden hop channels and a remaining set of allowable hop channels (column 2, lines 26-44), wherein the channels with interference are forbidden hop channels, the method comprising:

selecting (Fig. 1, block 220, column 9, lines 2-19) a hop channel from the sequence as a function of a present phase;

if the selected hop channel is an allowable hop channel , then using the selected hop channel for communication during the present phase (column 9, lines 24-29); and

if the selected hop channel is a forbidden hop channel then using a time-varying parameter to select a substitute hop channel from the set of allowable hop channels (column 9, lines (column 9, lines 2-59); and

using the substitute hop channel for communication during the present phase (Fig. 4, column 10, lines 34-52).

Regarding claim 2, Gillis et al. discloses the method of claim 1, wherein the time-varying parameter is a clock value (Fig. 1, block 215, column 5, lines 43-48 and column 8, lines 3-8).

Regarding claim 3, Gillis et al. discloses the method of claim 1, wherein the time-varying parameter and the present phase are derived from the same clock value (column 8, lines 2-66).

Regarding claim 4, Gillis et al. discloses the method of claim 1, wherein the time-varying parameter is a randomly selected value (column 5, lines 1-20).

Regarding claim 5, Gillis et al. discloses the method of claim 1, wherein the time-varying parameter is a pseudo-randomly selected value (column 5, lines 1-20).

Regarding claim 6, Gillis et al. discloses the method of claim 1, wherein at least one of the forbidden hop channels is associated with received interference from a jammer (column 1, lines 55-60), wherein the continuous signal is a jammer.

Regarding claim 7, Gillis et al. discloses the method of claim 1, wherein at least one of the forbidden hop channels is reserved for use by a communication system that is not the channel hopping communication system (column 1, lines 61-68).

Regarding claim 16, Gillis et al. discloses a hop channel selector (Fig. 1) for use in a channel hopping communication system that includes a sequence of hop channels, wherein the sequence comprises a set of forbidden hop channels and a remaining set of allowable hop channels (column 2, lines 26-44), wherein the channels with interference are forbidden hop channels, the hop channel selector comprising:

logic configured to select (Fig. 1, block 220, column 9, lines 2-19) a hop channel from the sequence as a function of a present phase;

logic configured to use the selected hop channel for communication during the present phase (column 9, lines 24-29) if the selected hop channel is an allowable hop channel; and

logic configured to use a time-varying parameter to select a substitute hop channel from the set of allowable hop channels (column 9, lines (column 9, lines 2-59) and to use the substitute hop channel for communication during the present phase (Fig. 4, column 10, lines 34-52) if the selected hop channel is not an allowable hop channel.

Regarding claim 17, Gillis et al. discloses the hop channel selector of claim 16, wherein the time-varying parameter is a clock value (Fig. 1, block 215, column 5, lines 43-48 and column 8, lines 3-8).

Regarding claim 18, Gillis et al. discloses the hop channel selector of claim 16, wherein the time-varying parameter and the present phase are derived from the same clock value (column 8, lines 2-66).

Regarding claim 19, Gillis et al. discloses the hop channel selector of claim 16, wherein the time-varying parameter is a randomly selected value (column 5, lines 1-20).

Regarding claim 20, Gillis et al. discloses the hop channel selector of claim 16, wherein the time-varying parameter is a pseudo-randomly selected value (column 5, lines 1-20).

Regarding claim 21, Gillis et al. discloses the hop channel selector of claim 16, wherein at least one of the forbidden hop channels is associated with received interference from a jammer (column 1, lines 55-60), wherein the continuous signal is a jammer.

Regarding claim 22, Gillis et al. discloses the hop channel selector of claim 16, wherein at least one of the forbidden hop channels is reserved for use by a communication system that is not the channel hopping communication system (column 1, lines 61-68).

*Allowable Subject Matter*

6. Claims 8-15 and 23-30 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sydon et al. (U.S. Patent No. 6, 480, 721) discloses a method and system for avoiding bad frequency subsets in a frequency hopping cordless telephone system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis B. Odom whose telephone number is 703-305-4097. The examiner can normally be reached on Monday- Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Art Unit: 2634

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Curtis Odom  
December 17, 2002



STEPHEN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600